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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/826,808   | 04/15/2004  | John Goci            | 86,861-0007         | 1567             |
| 26127  | 7590        | 09/13/2005           | EXAMINER            |                  |
| DYKEMA GOSSETT PLLC<br>39577 WOODWARD AVENUE<br>SUITE 300<br>BLOOMFIELD HILLS, MI 48304-5086 |             |                      | KIM, AHSHIK         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2876                |                  |

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/826,808 | <b>Applicant(s)</b><br>GOCI ET AL. |  |
|                              | <b>Examiner</b><br>Ahshik Kim        | <b>Art Unit</b><br>2876            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/15/04 (initial filing of application).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 10, 13-21 and 23-86 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 9, 11, 12 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/15/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continuation Data*

1. Acknowledged this application claims the benefit of provisional application Serial No.  
5 60/463,498 filed on April 18, 2003, and continuation-in-part application of PCT/US03/11305  
filed on April 11, 2003.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
10 basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 15 3. Claims 1-3, 5-7, 10, 13-15, and 64-86 are rejected under 35 U.S.C. 102(b) as being  
anticipated by McClure et al. (US 6,250,548, hereinafter “McClure”).

Re claims 1, 62, 63, and 74-86, McClure discloses a voting system and the voting  
methods in an electronic voting system (see abstract) wherein a voting station includes a display  
means (col. 4, lines 23+; col. 18, lines 57+) which displays the contests held in the election, and  
20 user's selections (see abstract). The display 110 provides a visual mode and audio output is also  
provided to the voters who are unable to read the display (col. 5, lines 48-55). The election is  
conducted on a precinct basis (see abstract; col. 15, lines 18+) wherein the voter's identity is  
checked at the precinct.

Re claims 2, 3, and 75, to further assist persons with disabilities, the system provides interfaces such as jelly switch and "TextTalk" which converts the text into comprehensible speech (col. 19, line 56 – col. 20, line 53). The jelly switch can be considered a mouse with which the voters can make their selections.

5 Re claims 5 and 6, the headphone is provided (col. 20, lines 25+) to assist blind persons.

Re claim 7, the voting station also provides a keyboard 106 so that the voters may enter voter input (col. 18, lines 42+). The keyboard is for the write-in entry.

Re claim 10, the Braille keyboard is also provide for the visually-impaired voter (col. 20, lines 45+).

10 Re claims 13-15, in alternative embodiment, a touch-screen may be used (col. 18, lines 5+).

Re claims 64 and 65, when the voter's identify is checked for eligibility at the voting place (col. 15, lines 18+).

15 Re claim 66-74, in some embodiments, voter's digital signature and fingerprints are checked for verifying the voter identity (col. 36, lines 23+). The identification means also includes a driver's license which can be a card with magnetic strip.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
20 obviousness rejections set forth in this Office action:

25 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any  
5 evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 16-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
10 McClure (US 6,250,548)

Re claims 17-19, 21, and 23 McClure perhaps does not teach explicitly that the language can be selected via audio mode. However, use of audio mode and language selection capability is clearly disclosed. Accordingly, it is the Examiner's view the voter selects and audio option first and then a language option, or vice versa. At any rate, the voter would be guided to listen to  
15 the language he/she selects to cast his/her vote.

Re claims 16 and 20, McClure also discloses a precinct worker (col. 14, lines 6-13). Although not explicitly disclosed, one can consider that the precinct worker provides necessary assistance to the voters.

7. Claims 24-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClure  
20 (6,250,548) in view of Willard (US 5,821,508, hereinafter "Willard").

The teachings of McClure have been discussed above. Although lacking in some detail, it is the Examiner's view that the audio service of McClure is designed to allow the voters to

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proceed through the voting process, making all available choices – voting format, voting on national candidates; local candidates; propositions, and “write-in” votes.

Willard discloses an electronic voting system which provides visually-impaired voters with means to enter their selections utilizing speech input, actuating a button on a hand-held device, or other means to indicate their selection (see abstract). As illustrated in figure 2, one exemplary input device allowing the voters to use “Yes” or “No” (col. 2, lines 66+). The voter, by pressing a reset key, cancel the selections he/she made and in case of changing he/she made (col. 5, lines 54+). The selections are on candidates and referendums (col. 7, lines 19-36). The voter can also review the selections made (col. 9, lines 7+).

In view of Willard’s teachings, it would have been obvious to an ordinary skill in the art at the time the invention was made to design a voting apparatus so that the voters can participate in an election with audio voting system. As mentioned above, McClure’s audio component would be sufficient for the visually-impaired voter or who chooses audio ballot system. Citing of Willard is to provide an actual prior art, which provides detailed feature and aspect of the audio ballot system. Accordingly, one ordinary skill in the art would incorporate features as taught in Willard to improve overall functionality of the audio ballot system.

8. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClure (6,250,548) in view of O’Neal et al. (US 3,977,357, hereinafter “O’Neal”).

The teachings of McClure have been discussed above. McClure, however, fail to specifically teach or fairly suggest that the voting system utilizes various selection modes such as a straight ticket mode, a split ticket mode or a mixed ticket mode.

O'Neal teaches a voting machine (see abstract) which can be arranged for various voting arrangements such as a straight ticket, split ticket, and other versions according to the voting jurisdictions (col. 6, lines 63- col. 7, lines 24).

In view of O'Neal's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to design a voting machine so that the voters may vote in straight ticket mode or split ticket mode. How the voting is performed is up to the local/state authority. Accordingly, the voting system has be able to accommodate a particular ticket mode selected by the jurisdictions. One ordinary skill in the art would contemplate designing a voting machine or voting system to allow various voting arrangements.

*Allowable Subject Matter*

9. Claims 4, 9, 11, 12, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at a voting station, particularly toward visually-impaired voter who may require audio prompts and non-visual means to respond to the prompts. As indicated in the references cited, voting apparatus incorporating audio means is generally known in the art. However, the cited references, taken alone or in combination, fail to show or fairly teach the specific voting method wherein a right mouse and left mouse are clicked to indicate a voter's selection; or activating Braille keyboard only when "write-in" response is desired; or audio system provides a demonstration for the voters.

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**Conclusion**

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Chung et al (US 2003/0173404 A1); Bluemer (US 6,824,053); Miyagawa (US 5,377,099); Bayer et al. (US 6,311,190) disclose voting apparatus. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim  
Primary Examiner  
Art Unit 2876  
September 1, 2005